IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of   Docket No: Q64544

Dominique HAMOIR

Appln. No.: 09/856,362   Group Art Unit: 2633

Confirmation No.: 6876   Examiner: Leslie PASCAL

Filed: May 22, 2001

For: AMPLIFICATION FOR VERY BROAD BAND OPTICAL FIBER TRANSMISSION
        SYSTEMS

RESPONSE TO OFFICE COMMUNICATION

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

        An Examiner's Answer was mailed February 8, 2007, and appellant filed a Reply Brief
on April 9, 2007. A second Examiner's Answer was mailed April 20, 2007, apparently to correct
an oversight in its listing of prior art, and a Response to that second Examiner's Answer was
filed on June 20, 2007. In the latest Communication mailed September 14, 2007, the examiner
acknowledges the filing of the Reply Brief of April 9, 2007. Other than the fact that it does not
acknowledge the Reply Brief filed June 20, 2007, the acknowledgement is in accord with 37
CFR 41.43(a)(1). However, the examiner than goes on to reply to each of the arguments
presented in the Reply Brief. There is no provision for this in the rules. The options under 37
CFR 41.43 are to either re-open prosecution or to issue a Supplemental Examiner's Answer
responding to any new issue raised in the reply brief. MPEP 1208.II requires that any
supplemental examiner's answer be approved by the technology center director.

If this is indeed intended as a supplemental examiner's answer, it is respectfully requested that it be so designated and appellant be given an opportunity to further respond. Otherwise, it is requested that all remarks other than the permitted acknowledgement be stricken.

Respectfully submitted,

_____/DJCushing/_____
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Date: October 16, 2007